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10/757,255

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08/27/2007

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,255

Applicant(s)

IPPOLITO ET AL.

Examiner

Sean Kayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,10-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,10-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 7-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Electro-Mech.

3. With respect to claim 1 Electro-Mech teaches a device for displaying information about a game with a playing surface, the device comprising:

- a body that is physically unconnected to the playing surface (figure 1)
- a first display operable to display first information about a player of the game ("Home", "Player", or "Fouls" figure 1) second information about the player of the game, and
- a second display ("Home", "Player", or "Fouls" figure 1) operable to display second information about the player of the game, the second display facing in a different direction from that of the first display (figure 1 shows a display facing in four directions),
- in which both the first display and the second display are rigidly attached to the body.

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4. With respect to claim 3 Electro-Mech teaches a device for keeping time comprising:

- a single rigid chassis (figure 1);
- a first memory (pages 9-10 discuss setting of the clock. Electronic tracking of time inherently involves a memory.) for storing a first amount of time remaining for a first player of a game, the first memory attached to the chassis (page 3 "Scoreboard Electronics: 100% solid state fully enclosed");
- a first display ("88:" shown on the left face of figure 1 is the first display) for displaying the first amount of time in a first font, the first display rigidly attached to the chassis and coupled to the first memory;
- a second display ("88:" shown of the right face figure 1 is the second display) for displaying the first amount of time in a second font, the second display rigidly attached to the chassis and coupled to the first memory, in which the second display faces in a different direction from that of the first display, and in which the second font is different from the first font (the font of the "88" display shown on the right face located underneath "Player" is smaller than the font of the display "88:88" of the left face display);
- a second memory storing a second amount of time remaining for a second player of the game ("Shot Timer" page 10), the second memory attached to the chassis (page 3 "Scoreboard Electronics: 100% solid state fully enclosed");
- a third display ("88" located under the word "Player" figure 1 or ":88" located on any face not previously considered as the first or second display while the display

is in shot clock mode.) for displaying the second amount of time, the third display rigidly attached to the chassis and coupled to the second memory;

- a fourth display displaying the second amount of time, the fourth display rigidly attached to the chassis and coupled to the second memory (The fourth display is the same as the third display but is located on a face different from that of the third display, shown in figure 1. If the shot clock is operated on the regular time section "88:88" than the fourth display is located on the face not previously designated as the first, second, or third displays.)

5. With respect to claim 4 Electro-Mech teaches the device of claim 3, in which the second display faces in a direction opposite that of the first display. (In this regard the "second display" would be considered to be the display directly opposite of the "88:88" display shown on the left face in figure 1.)

6. With respect to claim 5 Electro-Mech teaches the device of claim 3, in which the first display and the third display are the same display (this would be the case wherein the main time display "88:88" figure 1 is used to show the shot time), and in which this same display displays the first amount of time at a first location on the display and the second amount of time at a second location on the display (the first time being the hours of the remaining time, as shown on the left hand side of the "88:88" display. The second time would be the shot time or alternatively the seconds of the game as indicated by the right hand side of the "88:88" display. Although in the interpretation wherein the second

time is the seconds of the game it would be understood that the first and second players of the game would be either the "Home" and the "Guest" teams or alternatively a first and second player of the same team.)

7. With respect to claim 7 Electro-Mech teaches the device of claim 3, in which the first memory and the second memory are the same memory, and in which this same memory stores the first amount of time in a first location in the memory and the second amount of time in a second location in the memory. (Page 3 states that the electronics of the Electro-Mech device is solid states and fully enclosed. Since the respective memories are necessarily in operational communication with one another they can be construed to be functionally the same memory. Furthermore since the electronics are solid state they necessarily store the memory information in different locations.)

8. With respect to claim 8 Electro-Mech teaches the device of claim 3, in which the first memory is a semiconductor memory (page 3 "Scoreboard Electronics: 100% solid state fully enclosed.")

9. With respect to claim 10 Electro-Mech teaches the device of claim 3, in which the first display is a light emitting diode display (page 13.)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Electro-Mech.

12. With respect to claim 14 Electro-Mech teaches a device comprising:

- a means for tracking a first time ("Solid State Electronics" page 3 and hours of the time display "88:88" figure 1)
- a means for tracking a second time ("Solid State Electronics" page 3 and minutes of the time display "88:88" figure 1)
- a first display means for displaying the first time in a first direction (the left side of the time display "88:88" figure 1 shown on the left face of the scoreboard)
- a second display means (the left side of the time display "88:88" figure 1 shown on the right face of the scoreboard) for displaying the first time in a second direction; and
- an initiation means (figure page 9 shows the input means. Particularly, "time out timer" teaches a button for interrupting the timing of a first time in order to time a second time) for initiating the reduction of the first time and halting the reduction of a second time,
- in which the display means is a light emitting diode (figure 1 and page 13.)

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Electro-Mech does not teach wherein the second time of the initiation means is the same as the second display time. Page 11 item 7 states "The scoreboard will not display the Time Out Time.

At the time of the invention it would have been obvious to one skilled in the art to display the time out time on at least one of the display faces of Electro-Mech's device.

The reason for doing so would be to allow spectator and players alike to know how much time there is remaining in the time-out period.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Booth (US 5615880) and Prociuk (US 3878675.)

14. With respect to claim 14 Garlock teaches a device comprising:

- a means for tracking a first time (left side, 4 figure 1, 16-20 figure 2, and paragraph 30)
- a means for tracking a second time (right side, "120:00" figure 1, 16-20 figure 2 and paragraph 30)
- a first display means for displaying the first time in a first direction (left side, 4 figure 1)
- a second display means (right side, "120:00" figure 1) for displaying the first time; and
- an initiation means (8 figure 1) for initiating the reduction of the first time while halting the reduction of the second time,

Garlock does not teach wherein

- the second time information is displayed in a second direction (that is different from the first) and
- in which the display means is a light emitting diode.

Garlock states that the display means can be any of the well-known time display means (paragraph 29.)

LEDs are a well known display means for displaying time. Booth teaches such an LED time display 52, figure 1.

At the time of the invention it would have been obvious to one skilled in the art to provide Garlock's invention with an LED display. The reason for doing so would be to provide Garlock's invention with an equivalent display means as taught by Garlock.

Prociuk teaches the desirability (column 1 lines 20-31) of indicating information in more than one direction (14 figure 1 and figure 2.) Prociuk teaches using such a two directional display for the purposes of chess (figure 1.)

At the time of the invention it would have been obvious to one skilled in the art to indicate the information in Garlock's invention in more than one direction. The reason for doing so would be to remedy the problems discussed by Prociuk (column 1 lines 20-31.)

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Electro-Mech in view of Honekman (US 4567461.)

16. With respect to claim 13 Electro-Mech teaches the device of claim 3. Electro-Mech does not teach a microphone for receiving voice inputs.

Honekman teaches a voice recognition function and microphone for the purposes of operating a gaming device by voice commands.

At the time of the invention it would have been obvious to one skilled in the art to provide Electro-Mech's device with a microphone and corresponding voice recognition software so as to allow voice communication control of the device as taught by Honekman.

The suggestion or motivation for doing so would be to allow a user to operate the device by voice communication as taught by Honekman.

17. Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Electro-Mech.

With respect to claim 3 Garlock teaches a device for keeping time comprising:

- a single rigid chassis (2 figure 1)
- a first memory (page 4 column 1 paragraph 43 discusses wherein the timing values are stored in a memory. Additionally, see claim 12.) for storing a first amount of time remaining for a first player of a game (left display, 4 figure 1), the first memory attached to the chassis
- a first display (left display, 4 figure 1) for displaying the first amount of time, the first display rigidly attached to the chassis and coupled to the first memory
- a second memory (page 4 column 1 paragraph 43 discusses wherein the timing values are stored in a memory. Additionally, see claim 12.) storing a second

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amount of time remaining for a second player of the game, the second memory attached to the chassis

- a third display (right display figure 1) for displaying the second amount of time, the third display rigidly attached to the chassis and coupled to the second memory; and

Garlock does not teach

- a second display for displaying the first amount of time, the second display rigidly attached to the chassis and coupled to the first memory,
- a fourth display for displaying the second amount of time, the fourth display rigidly attached to the chassis and coupled to the second memory and
- wherein the second display faces in a different direction from that of the first display, and
- in which first display and the second display are have a first and a second font and wherein the second font is different from the first font.

Electro-Mech teaches attaching multiple game information boards together for the purpose of increasing the visibility of the information displayed on said surfaces in multiple directions.

At the time of the invention it would have been obvious to one skilled in the art to provide Garlock's invention with multiple displays facing in multiple directions as taught by Electro-Mech. The suggestion or motivation for doing so would be to indicate displayed information in more than one direction thus increasing the viewability of the display.

Electro-Mech teaches varying the size of the display information fonts according to the different kinds of information being displayed. More generally it is well within the scope of one of ordinary skill in the art to vary fonts by size and style to indicate different information (as taught by Electro-Mech) or to achieve a different design according to aesthetic priorities/desires. At the time of the invention it would have been obvious to one skilled in the art to vary the fonts of the first and second displays. The reason to do so would be to distinguish between different types of information such is done by Electro-Mech or alternatively to achieve a desired aesthetic appearance.

18. With respect to claim 11 Garlock (US 20020093882) and Electro-Mech teach the device of claim 3 further including:

- a signal generator (page 2 paragraph 14) for generating a timing signal, the signal generator coupled to the first memory and to the second memory;
- a first button (left button, 8 figure 1) for signaling a first play in the game, the first button attached to the chassis and coupled to the first memory and to the second memory; and
- a second button (right button 8 figure 1) for signaling a second play in the game, the second button attached to the chassis and coupled to the first memory and to the second memory, in which:
 - the first memory is operative to reduce the first amount of time remaining upon receipt of signals from the second button (paragraph 39 page 3);

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- the first memory is operative to stop reducing the first amount of time remaining upon receipt of signals from the first button (paragraph 39 page 3);
- the second memory is operative to reduce the second amount of time remaining upon the receipt of signals from the first button (paragraph 39 page 3); and
- the second memory is operative to stop reducing the second amount of time remaining upon receipt of signals from the second button (paragraph 39 page 3);
- the motion of the first button with respect to the chassis is constrained to one dimension (figure 1); and
- the motion of the second button with respect to the chassis is constrained to one dimension (figure 1.)

19. With respect to claim 12 Garlock and Electro-Mech teach the device of claim 3, further including a processor (18 figure 2), the processor attached to the chassis (2 figure 1) and operative to: direct the first memory (see claim 12 lines 9-10) to reduce the first amount of time remaining; direct the second memory (see claim 12 lines 9-10 and second display shown in figure 1) to reduce the second amount of time remaining; direct the first memory to stop reducing the first amount of time remaining; direct the second memory to stop reducing the second amount of time remaining; direct the first display to display the first amount of time; and direct the second display to display the first amount of time (paragraphs 33, 39, 43-44, and 46-47.)

20. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Adams (US 5125666) and Chodak (US 4363489.)

21. With respect to claim 16 Garlock teaches a device comprising:

- a body (2 figure 1)
- a memory (see claim 12), including two memory locations, in which each of the two memory locations stores a time remaining for a different one of two players; and
- exactly two clock buttons (8 figure 1), each of which when pressed halts the reduction of a first one of the times remaining stored in a first one of the two memory locations and initiates the reduction of a second one of the times remaining stored in a second one of the two memory locations; and
- a single display in which the display is operable to simultaneously display two of the times remaining,
- in which the memory, each of the two clock buttons are each of the displays are attached to the body.

Garlock does not teach the system designed for four players, including four memory locations, four buttons, and four displays, each of which displays at least two of the times remaining. Garlock's timing device is designed for exactly two players instead of four. Chodak teaches a four-way directional game terminal, comprising four displays (figure 1.)

Four player games are well known in the art. Evidence of four player games is provided by Adams. Adams teaches a four-player version of chess. Adams additionally teaches the necessity for timing a four-person game of chess (column 5 lines 4-22.)

At the time of the invention it would have been obvious to one skilled in the art to modify Garlock's invention to time four players instead of two by increasing the number of buttons, memory locations, and displays (as taught by Chodak) to four instead of two. The suggestion or motivation for doing so would be to allow the device to be used to time Adams's four-player version of chess.

22. With respect to claim 17 Garlock, Adams, and Chodak teach the device of claim 16.

Garlock does not teach in which a first of the four displays is attached to a first face of the body and a second of the four displays is attached to a second face of the body, in which the first face is different from the second face.

The use of multi-directional displays for multiple players is well-known. Evidence of this is provided by Chodak. Chodak teaches a four-way directional game terminal, comprising four displays (figure 1.)

At the time of the invention it would have been obvious to one skilled in the art to construct Garlock's invention in the form of a multi-directional display as taught by Chodak. The reason for doing so would be to allow the device to be used to time Adam's four-player version of chess, such that each player sitting at the playing surface can readily view the display as taught by Chodak.

23. With respect to claim 18 Garlock, Adams, and Chodak teach the device according to claim 17, in which all the relevant timing information (4 figure 1) is displayed on a common display face.

Garlock does not teach providing more than one display face in which the first of four displays, displays two of the times remaining and in which the second of the four displays simultaneously to the first displays the same two times remaining.

At the time of the invention it would have been obvious to one skilled in the art to provide each display face of Garlock's invention (as previously modified) with all the relevant timing information (which would comprise at least two times remaining) as taught by Garlock. The reason for doing so would be to provide each player with the relevant information for playing the game (taught by Adams.)

24. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Adams (US 5125666) and Chodak (US 4363489) in further view of Electro-Mech.

25. With respect to claim 19 Garlock, Adams, and Chodak teach the device of claim 16.

Garlock does not teach in which the two times remaining of a given display are displayed in different fonts.

Electro-Mech teaches varying the size of the display information fonts according to the different kinds of information being displayed. More generally it is well within the scope

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of one of ordinary skill in the art to vary fonts by size and style to indicate different information (as taught by Electro-Mech) or to achieve a different design according to aesthetic priorities/desires. At the time of the invention it would have been obvious to one skilled in the art to vary the fonts of the first and second displays. The reason to do so would be to distinguish between different types of information such is done by Electro-Mech or alternatively to achieve a desired aesthetic appearance.

26. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of applicant's admitted prior art and Yoo.

27. With respect to claim 16 Garlock teaches a device comprising:

- a body (2 figure 1)
- a memory (see claim 12), including two memory locations, in which each of the two memory locations stores a time remaining for a different one of two players;
and
- exactly two clock buttons (8 figure 1), each of which when pressed halts the reduction of a first one of the times remaining stored in a first one of the two memory locations and initiates the reduction of a second one of the times remaining stored in a second one of the two memory locations, in which the memory and each of the two clock buttons are attached to the body.

Garlock does not teach the system designed for four players, including four memory locations, exactly four buttons, and four displays in which each display is operable to simultaneously display two of the times remaining. Garlock's timing device is designed

for exactly two players instead of four. Two of Garlock's devices attached in a single housing would meet the claim limitations that are deficient in a single one of Garlock's disclosed device.

In applicant's discussion of the background art, applicant states that multiple clocks are used per table to track multiple games of chess (paragraph 7 page 1. Particularly, the last 5 lines of page 1 and the first two lines of page 2.)

At the time of the invention it would have been obvious to one skilled in the art to use more than one of Garlock's devices for the purpose of tracking multiple games of chess, as per applicant's discussion of general tournament play. The suggestion or motivation for doing so would be to time more than one game at a time as per applicant's admitted prior art.

It is notoriously well known to house multiple devices in a single housing. Evidence of this is provided by Yoo. Yoo teaches two clocks for displaying separate times.

Additionally, the courts have ruled that forming in one piece an article which has formerly been formed in two pieces would require only ordinary skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

At the time of the invention it would have been obvious to one skilled in the art to combine two of Garlock's devices in a common housing. To do so would require only ordinary skill in the art, as supported by the teaching of Yoo and the ruling of *Howard v. Detroit Stove Works*. The suggestion or motivation for doing so would be to indicate and track more than one time in a common device, as taught by Yoo.

28. With respect to claim 20 Garlock, Yoo, and applicant's admitted prior art teach the device of claim 16, with the four clock buttons referred to as A, B, C, and D and with the four memory locations referred to as w, x, y, z, in which: clock button A, when pressed, halts the reduction of the time remaining stored in memory location w, and initiates the reduction of the time remaining stored in memory location x, clock button B, when pressed, halts the reduction of the time remaining stored in memory location x, and initiates the reduction of the time remaining stored in memory location w; clock button C, when pressed halts the reduction of the time remaining stored in memory location y, and initiates the reduction of the time remaining stored in memory location z; clock button D, when pressed halts the reduction of the time remaining stored in memory location z, and initiates the reduction of the time remaining stored in memory location y; neither clock button A nor clock button B has any effect on times remaining in memory locations y and z; and neither clock button C nor clock button D have any effect on time remaining in memory locations w and x. (Figure 1 shows the control buttons, 8, and the two time displays for indicating each player time. Paragraph 39 discusses wherein pressing one of the buttons, 8 figure 1, will start decreasing the time stored in a given players memory. Paragraph 43 states wherein the time variables are assigned to memory locations. As modified in the previous action the two clocks would function essentially separately not modifying the other clock's memory.)

Response to Arguments

29. Applicant's arguments filed 4/20/2007 have been fully considered but they are not persuasive.

30. The printout of the waybackmachine (web.archive.org) is provided as evidence (in response to applicant's request) that the cited reference has a prior publication date of Oct 05, 2000 and thus qualifies as prior art under 35 USC 102(b).

31. Applicant's first argument states that the Electro-Mech reference does not meet the limitation "a body that is physically unconnected to the playing surface." Applicant asserts that the Electro-Mech device is attached to the ceiling, which is connected to the walls, which is connected to the floor, which forms the playing surface. This characterization is unreasonable. If applicant intends this claim language to read this broadly than applicant's own invention would fail to meet the claim limitation as applicant's invention is physically connected to the playing surface by means of friction, by means of gravity, and by means of the table. The Electro-Mech device is not directly physically connected to the playing surface. The claim limitations do not preclude a device that is indirectly connected to the playing surface, be it by loosely connecting chains, by friction, by the gravitational pull of the earth, or by the structure of a mutually supporting object, such as a building or table. Applicant has not shown that the embodiment wherein the device is to be attached to a ceiling is the only intended embodiment or mode of operation intended by Electro-Mech. Applicant has not shown that the playing surface is always the same as the floor. Applicant has not shown that the building is connected to the floor. Applicant's mere assertion of the conclusion does

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not constitute evidence or matter of fact. Regardless the Electro-Mech device is at least not connected to the ceiling during the installation step, wherein it is being raised to the ceiling.

32. Applicant asserts that applicant's device can be transferred from one side of the playing surface to another. This is not persuasive. The Electro-Mech device can similarly be moved. Applicant's citation of the reference discusses steps for moving the device. There is no claim limitation requiring the device to be easily movable.

33. Applicant asserts that the Electro-Mech reference fails to teach two different fonts. However, applicant's discussion in the specification only provides support for claiming two different size displays of the same font. This limitation is met by Electro-Mech which clearly teaches different sized displays, see figure 1. Particularly, the top display is large and shows total game time, whereas the display directly underneath is smaller and shows shot clock and player information.

34. Applicant argues that Electro-Mech fails to teach "an initiation means for initiating the reduction of the first time while halting the reduction of the second time" as recited in claim 14. Applicant refers to the clock ON/OFF button in making this assertion.

Applicant is correct in stating that while the clock ON/OFF button met the previous claim limitation of "an initiation means for initiating the reduction of the first time AND halting the reduction of the second time" (emphasis added to the "and") the same button does not meet the limitation "an initiation means for initiating the reduction of the first time WHILE halting the reduction of the second time" (emphasis added to the while.)

However, there are other controls for the Electro-Mech device than the ON/OFF button.

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Particularly, the time out timer would "time out" a first time while timing a second time.

Subsequently, the grounds of rejection have been changed to better address the currently amended version of claim 14.

35. Applicant asserts that the amendments to claim 3 render the claim and its dependents allowable. These limitations have been addressed in the grounds of rejection.

36. Applicant asserts that the amendments to claim 16 render the claim allowable. These limitations have been addressed in the grounds of rejection.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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